

(See exhibit 1.)

Mr. AKAKA. Among those who have been forced out or retired recently are the Deputy Director of the CIA, the Deputy Director of Operations, the second ranking member of the clandestine service, and the former head of the CIA bin Laden unit. Other resignations, retirements, or reassignments may follow.

Apparently, Director Goss brought with him at least 4 former staffers from the House of Representatives and inserted them into senior positions at the agency where they have begun to force these resignations.

This is troubling for two reasons: First, we cannot afford to lose any intelligence personnel, especially seasoned officers, in the midst of the war on terrorism. We have so few people we cannot fully staff the Terrorist Threat Integration Center, TTIC, that the President created to provide a coordinated counterterrorism response to the 9/11 attacks. Secondly, our intelligence staff have been working 24/7 since the war on terrorism and the war in Iraq began. They need morale boosters, not the morale downers that come from the forced resignations of well-respected leaders.

So desperate is the personnel situation that the intelligence reform bill, S. 2845, now in conference, authorizes the establishment of a National Intelligence Reserve Corps for the temporary reemployment of former intelligence community employees during periods of emergency.

Some would argue that the CIA is a "damaged agency" that needs to be reformed through "hard love." Perhaps that is the case. Perhaps the operations directorate needs to be given new direction. I understand that both President Clinton and President Bush, in his first term, were focused on reforming the clandestine operations through the efforts of Director Tenet and that those reforms were yielding results. But if those results are insufficient, more needs to be done.

If a ship needs to change course and requires a new crew, the new crew needs to know both how to pilot a ship and how to plot a course. So far, the current upheaval at the Central Intelligence Agency makes me worry that the current new crew may not measure up to that challenge. I would like to be proved wrong because our national security depends on it.

#### EXHIBIT 1

[From the New York Times, Nov. 17, 2004]  
NEW C.I.A. CHIEF TELLS WORKERS TO BACK  
ADMINISTRATION POLICIES  
(By Douglas Jehl)

WASHINGTON, Nov. 16.—Porter J. Goss, the new intelligence chief, has told Central Intelligence Agency employees that their job is to "support the administration and its policies in our work," a copy of an internal memorandum shows.

"As agency employees we do not identify with, support or champion opposition to the administration or its policies," Mr. Goss said in the memorandum, which was circulated late on Monday. He said in the document

that he was seeking "to clarify beyond doubt the rules of the road."

While his words could be construed as urging analysts to conform with administration policies, Mr. Goss also wrote, "We provide the intelligence as we see it—and let the facts alone speak to the policymaker."

The memorandum suggested an effort by Mr. Goss to spell out his thinking as he embarked on what he made clear would be a major overhaul at the agency, with further changes to come. The changes to date, including the ouster of the agency's clandestine service chief, have left current and former intelligence officials angry and unnerved. Some have been outspoken, including those who said Tuesday that they regarded Mr. Goss's warning as part of an effort to suppress dissent within the organization.

In recent weeks, White House officials have complained that some C.I.A. officials have sought to undermine President Bush and his policies.

At a minimum, Mr. Goss's memorandum appeared to be a swipe against an agency decision under George J. Tenet, his predecessor as director of central intelligence, to permit a senior analyst at the agency, Michael Scheuer, to write a book and grant interviews that were critical of the Bush administration's policies on terrorism.

One former intelligence official said he saw nothing inappropriate in Mr. Goss's warning, noting that the C.I.A. had long tried to distance itself and its employees from policy matters.

"Mike exploited a seam in the rules and inappropriately used it to express his own policy views," the official said of Mr. Scheuer. "That did serious damage to the agency, because many people, including some in the White House, thought that he was being urged by the agency to take on the president. I know that was not the case."

But a second former intelligence official said he was concerned that the memorandum and the changes represented an effort by Mr. Goss to stifle independence.

"If Goss is asking people to color their views and be a team player, that's not what people at C.I.A. signed up for," said the former intelligence official. The official and others interviewed in recent days spoke on condition that they not be named, saying they did not want to inflame tensions at the agency.

Some of the contents of Mr. Goss's memorandum were first reported by The Washington Post. A complete copy of the document was obtained on Tuesday by The New York Times.

Tensions between the agency's new leadership team, which took over in late September, and senior career officials are more intense than at any time since the late 1970's. The most significant changes so far have been the resignations on Monday of Stephen R. Kappes, the deputy director of operations, and his deputy, Michael Sulick, but Mr. Goss told agency employees in the memorandum that he planned further changes "in the days and weeks ahead of us" that would involve "procedures, organization, senior personnel and areas of focus for our action."

"I am committed to sharing these changes with you as they occur," Mr. Goss said in the memorandum. "I do understand it is easy to be distracted by both the nature and the pace of change. I am confident, however, that you will remain deeply committed to our mission."

Mr. Goss's memorandum included a reminder that C.I.A. employees should "scrupulously honor our secrecy oath" by allowing the agency's public affairs office and its Congressional relations branch to take the

lead in all contacts with the media and with Congress. "We remain a secret organization," he said.

Among the moves that Mr. Goss said he was weighing was the selection of a candidate to become the agency's No. 2 official, the deputy director of central intelligence. The name being mentioned most often within the C.I.A. as a candidate, intelligence officials said, is Lt. Gen. Michael V. Hayden of the Air Force, the director of the National Security Agency, which is responsible for intercepting electronic communications worldwide. The naming of a deputy director would be made by the White House, in a nomination subject to Senate confirmation.

In interviews this week, members of Congress as well as current and former intelligence officials said one reason the overhaul under way had left them unnerved was that Mr. Goss had not made clear what kind of agency he intended to put in place. But Mr. Goss's memorandum did little to spell out that vision, and it did not make clear why the focus of overhaul efforts to date appeared to be on the operations directorate, which carries out spying and other covert missions around the world.

"It's just very hard to divine what's going on over there," said Senator Ron Wyden, Democrat of Oregon, who said he and other members of the Senate intelligence committee would be seeking answers at closed sessions this week. "But on issue after issue, there's a real question about whether the country and the Congress are going to get an unvarnished picture of our intelligence situation at a critical time."

Mr. Goss said in the memorandum that he recognized that intelligence officers were operating in an atmosphere of extraordinary pressures, after a series of reports critical of intelligence agencies' performance in the months leading up to the Sept. 11 attacks and the war in Iraq.

"The I.C. and its people have been relentlessly scrutinized and criticized," he said, using an abbreviation for intelligence community. "Intelligence-related issues have become the fodder of partisan food fights and turf-power skirmishes. All the while, the demand for our services and products against a ruthless and unconventional enemy has expanded geometrically and we are expected to deliver—instantly. We have reason to be proud of our achievements and we need to be smarter about how we do our work in this operational climate."

#### LIFTING HOLD ON NOMINATION OF DEBORAH MAJORAS

Mr. WYDEN. Mr. President, last May, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Deborah Majoras to be the Chair of the Federal Trade Commission, FTC. I did so because despite several requests, I had received no assurance from Ms. Majoras that under her leadership, the FTC would take any steps to address anticompetitive practices that drive up gasoline prices nationwide and particularly in the Pacific Northwest. Oregon consumers typically pay some of the highest gasoline prices in the Nation.

Today, I received a letter from Ms. Majoras describing how she is moving forward on certain commitments she made to me concerning the FTC's policies for the oil and gasoline industry.

In particular, she committed to consult with outside experts to get to the bottom of the differences between the Government Accountability Office, GAO, and the FTC on the impacts of the FTC oil merger policies on gasoline prices. Ms. Majoras' letter states that she is working to do this by conducting a public review of the GAO report on the Effects of Mergers and Market Concentration in the U.S. Petroleum Industry. Following that review, Ms. Majoras also promises to share her views with me on the GAO report.

Ms. Majoras' letter indicates she is making a good-faith effort to take a fresh look at the issues raised by the GAO report. In light of this and the other actions Ms. Majoras has initiated to get to the bottom of the reasons why consumers in my part of the country are paying such high gasoline prices, I will no longer object to any unanimous consent request for the Senate to take up Ms. Majoras' nomination. I will, however, continue to closely monitor the FTC actions under Ms. Majoras' leadership to ensure gasoline consumers are not overpaying at the pump.

I ask unanimous consent that a copy of this statement along with Ms. Majoras' letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL TRADE COMMISSION,  
Washington, DC, November 18, 2004.

Hon. RON WYDEN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WYDEN, In response to your recent inquiries, I want to assure you that I am working to implement the actions that I laid out in my letter of June 10, 2004. For example, we are working on the public review by outside economic experts of the findings in the GAO Report, *Energy Markets: Effects of Mergers and Market Concentration in the U.S. Petroleum Industry* and the criticisms of that report. As you know, it is common for economists to submit their work for peer review and discussion, and I believe that such an assessment would be useful. Given your interest in the report, I plan to share my views with you about the findings and conclusions of this public discussion once we have completed that process.

Here at the FTC, we are working at full throttle to protect American consumers; I look forward to working cooperatively with the Congress in the coming session on these efforts.

Sincerely,

DEBORAH PLATT MAJORAS.

COMMENDING SECRETARY POWELL AND STATE DEPARTMENT ON MANAGING INTERNATIONAL GOVERNMENTAL RELATIONS FOR U.S. TERRITORIES

Mr. CRAIG. Mr. President, as our colleagues on the Senate Energy and Natural Resources Committee will attest, it takes years of experience to understand some of the nuances of Federal law and policy applicable in American Samoa, Guam, Puerto Rico, the Northern Mariana Islands and the U.S. Vir-

gin Islands. Yet, our current Secretary of State has shown remarkable knowledge of the sometimes complex issues arising from official international activities of local territorial governments.

In responding to international issues arising from Federal-territorial relations in the case of Puerto Rico, Secretary Powell has articulated sound principles that are relevant to Federal policy with respect to the other territories as well. Specifically, the record should reflect the success of measures adopted by the Department of State to ensure that local government officials in the Commonwealth of Puerto Rico do not take official actions inconsistent with the reservation of foreign relations powers to the federal government under the U.S. Constitution.

The Department of State has tried to show flexibility and include territories in international programs and activities when appropriate, as it does in the case of other domestic political subdivisions. However, Department of State oversight and regulation of all official international activities by local territorial governments is necessary to preserve the constitutional allocation of powers within the U.S. Federal system, especially as it relates to administration of territories with a political status defined by Federal statute rather than the U.S. Constitution itself. In the case of Puerto Rico, Federal authority in all official international matters is consistent with the Puerto Rico Federal Relations Act (64 Stat. 319), and required by the status of the Commonwealth of Puerto Rico as a territory subject to the authority of Congress under Article IV, Section 3, Clause 2 of the U.S. Constitution. All powers of the local government remain subject to the supremacy of Federal law.

The Department of State acted in the national interest and in the best long-term interest of our fellow citizens in Puerto Rico by not acquiescing in actions by U.S. citizen officials of the local government seeking international recognition and treatment for Puerto Rico that are reserved for sovereign nations. The Department must continue to adhere to the simple rule that the Commonwealth should not be permitted to act officially in the international sphere in a manner that would not be permitted for other political subdivisions, whether State, county, city or territorial, unless otherwise specifically provided by Congress.

By confirming the correct application of Federal law and policy in his cable to our embassies, Secretary Powell has given diplomatic expression to the principles of federalism that apply to Puerto Rico and other U.S. territories. This "Powell Doctrine", if you will, ends the ambivalence and ambiguity that have existed about these issues for too long. The Secretary of State applied the correct legal doctrine in these matters, based on the principle that the Federal Government conducts

the foreign policy of the United States and all its citizens, which includes the U.S. citizens of Puerto Rico under its current status.

The actions taken by the Department of State in this matter do not affect the process of self-determination as to the ultimate political status of Puerto Rico. Rather, this is a matter of confirming and in a proper manner implementing Federal powers and responsibilities beyond the realm of local politics regarding the status of the territory, until informed self-determination recognized under Federal law and policy leads to status resolution. Of course, neither local government powers nor the terms for political status resolution can be determined unilaterally by local law or political processes, because in each case Federal law is supreme and only changes in Federal law can change the status or define the extent that local governments can exercise sovereignty as to local matters.

For making these realities clear, and doing so in an impartial and entirely fair way, it is appropriate to commend our Secretary of State and the men and women of the U.S. State Department.

TRIBUTE TO INTERNS

Mr. HARKIN. Mr. President, today I extend my appreciation to my fall 2004 class of interns: Sonja Loges, Colleen Coffey, Lauryn Douglas, Cheri Rolfes, Sarah Helgen, Katie Callahan, Milan Dalal and Deborah Sundquist. Each of them has been of tremendous assistance to me and to the people of Iowa over the past several months.

Since I was first elected to the Senate in 1984, my office has offered internships to young Iowans and other interested students. Through their work in the Senate, our interns have not only seen the legislative process, but also personally contributed to our Nation's democracy.

It is with much appreciation that I recognize Sonja, Colleen, Lauryn, Cheri, Sarah, Katie, Milan and Deborah for their hard work this fall. It has been a delight to watch them take on their assignments with enthusiasm and hard work. I am very proud to have worked with each of them. I hope they take from their fall a sense of pride in what they have been able to accomplish, as well as an increased interest in public service and our democratic system and process.

TRIBUTE TO HOWARD TINBERG AND ROBERT BELL

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to commend two college professors in Massachusetts for the national recognition they have won today. Professor of English Howard Tinberg at Bristol Community College in Fall River was named an Outstanding Community College Professor of the Year, and Robert Bell, professor of English at Williams College in Williamstown, was